

Message

From: Jones, Russell [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4795FDC630C34BE4AED0C6416A20D606-RUSSELL JONES]
Sent: 2/26/2020 7:40:56 PM
To: Kausch, Jeannine [Kausch.Jeannine@epa.gov]
Subject: RE: Slide Deck for AAPCO presentation on March 10 and Plant Regulator Decision Tree with Explanatory Notes - Sorry for need for quick turnaround
Attachments: 2020-03-10 - Plant Biostimulants - AAPCO - V2.pptx

See my comments in Blue Below (Scroll Down), Corrected version of Slide Deck is attached

From: Kausch, Jeannine <Kausch.Jeannine@epa.gov>
Sent: Wednesday, February 26, 2020 12:39 PM
To: Jones, Russell <Jones.Russell@epa.gov>
Subject: FW: Slide Deck for AAPCO presentation on March 10 and Plant Regulator Decision Tree with Explanatory Notes - Sorry for need for quick turnaround

Hi Russ,

You knew this was coming. Per Anne's request below, can you work with me to make the changes to your slide deck for the AAPCO meeting? See below. I think it is mostly straightforward, except for maybe the abiotic stress thing.

With regard to the Slide 6 comment that Anne had a question about, I would suggest just removing the underline from the text. Unless you are trying to emphasize something specifically in the plant regulator definition (and I wasn't sure what that was, so I apologize for misunderstanding if I did), it didn't seem like it was needed and may bring questions that you don't want or need to answer.

Thanks,
Jeannine



Jeannine Kausch
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From: Overstreet, Anne <overstreet.anne@epa.gov>
Sent: Wednesday, February 26, 2020 10:46 AM
To: Kausch, Jeannine <Kausch.Jeannine@epa.gov>; McNally, Robert <McNally.Robert@epa.gov>
Subject: RE: Slide Deck for AAPCO presentation on March 10 and Plant Regulator Decision Tree with Explanatory Notes - Sorry for need for quick turnaround

Jeannine, good and thoughtful comments –I've added some additional text (questions and suggestions) in red below yours. Could you work with Russ to make the changes? Thanks for looking at this.



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From: Kausch, Jeannine <Kausch.Jeannine@epa.gov>

Sent: Wednesday, February 26, 2020 9:04 AM

To: McNally, Robert <McNally.Robert@epa.gov>

Cc: Overstreet, Anne <overstreet.anne@epa.gov>

Subject: RE: Slide Deck for AAPCO presentation on March 10 and Plant Regulator Decision Tree with Explanatory Notes - Sorry for need for quick turnaround

Bob,

Some thoughts on the slide deck:

- Slide 1 – Remove footer at bottom of slide (re: June 3, 2019, event). This was just a typo I forgot to change to the current meeting and date
It now reads AAPCO Meeting, Alexandria, VA March 10, 2020
- Slide 3 – We mention that naturally-occurring naturally occurring plant growth substances “[f]unction in plant response to abiotic . . . stress.” In the plant regulator claim guidance, however, in several places, but particularly in Table 2, we talk about claims that are not pesticidal, e.g., “Enhances/aids/supports/helps/improves abiotic stress tolerance” and “Aids/supports/helps/enhances/improves tolerance of and/or resistance to abiotic stress.” If we’re saying naturally occurring plant growth substances have a function in plant response to abiotic stress, why are we saying, in the guidance, that claims like those above are generally not pesticidal? Couldn’t that fall under the “alter the behavior of plants” part of the plant regulator definition? Agree and think we should remove that bullet – we should also update the guidance if needed after discussing with others. Good point.
 1. You are confusing a general description of what plant hormones/regulators are known to do VS how a plant regulator is defined in Section 2(v).
 2. Any effects *per se* regarding abiotic stress are not part of the FIFRA definition of a plant regulator.
 3. Pesticidal (i.e. plant regulator claims) must fit within the FIFRA definition of a plant regulator (Slide 6).

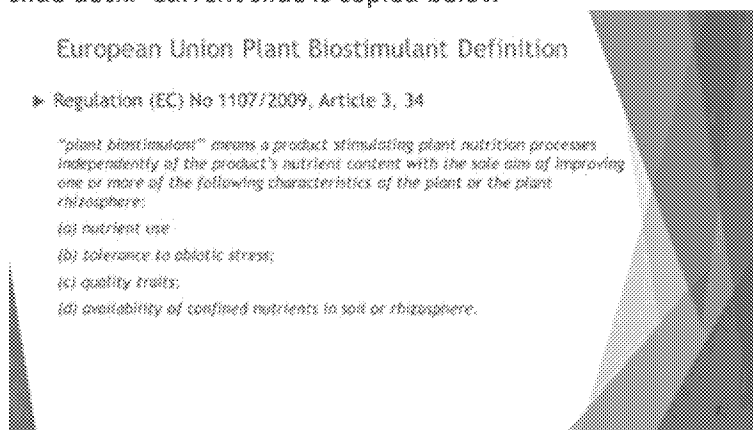
Ex. 5 Deliberative Process (DP)

- Slides 5 and 9 – Remove “label” before claims. Claims can be made elsewhere besides the label affixed to the product (e.g., advertising, promotional or sales activities, testimonial claims, etc. in connection with sale or distribution of a product) and could factor into our analysis as to whether something has pesticidal intent.

I had asked Russ to check with OGC on this, but he probably hasn't had time to do so. Agree with removing "label" – additional product claims are made in marketing materials.

The word "Label " has been removed from Slides 5 and 9

- Slide 6 – I am not sure why emphasis is placed within the plant regulator definition excerpt. According to the guidance, there are four parts of the plant regulator definition to consider: (1) accelerates or retards the rate of plant growth, (2) accelerates or retards the rate of plant maturation, (3) alters the behaviors of plants, and (4) alters the produce of plants. The emphasis seems off here. So are you recommending that we amend this to change the focus? Not sure that will be easy given the structure of that slide. The emphasis can be removed if that is causing heartburn, but the emphasis was added because the "plant behavior" part of the definition is very nebulous and can be interpreted in many different ways. I was emphasizing the parts of the definition that were more easily definable/explainable.
- Slides 6 and 14 – I would suggest changing the vitamin-hormone horticultural product CFR citation to "**40 CFR 152.6(f)". Everything in this paragraph covers these types of products, so there is no reason to break it down beyond the paragraph level. Agreed – the CFR citation seems right – nothing beyond that. OK. It has been removed, but no one ever objected to this oft presented slide before
- Slide 7 – Would have Russ double-check the accuracy of what is in this slide. I looked up the EU regulation citation he provided (<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:309:0001:0050:EN:PDF>) and didn't find anything numbered #34 under Article 3. It may also be that I was misinterpreting his citation. Let's clarify. I clicked on that link and also can't find what he's referencing. Sorry, this slide was update to reflect the current definition, I may have sent you an earlier version of the slide deck. Current slide is copied below



- Slide 10 – Not sure what we mean by "Claims must be compliant with 40 CFR §152.15." Might need some explanation from Russ on this point. Agreed
What words should I use for this? Agree with? Fit in with?
- Slide 14 – Typo in 2nd bullet >> "soil and amendments" should be "soil amendments".
Typo fixed

As a preamble to my comments below, Slide 16 can be removed

- Slide 16 – I think we probably want to rephrase the 1st bullet. Even though the decision tree is supposed to be geared toward providing guidance on how we look at products that could potentially be in the plant regulator realm, there are a lot of microbial products that could potentially have non-plant regulator modes of action but could still be considered multiple-use products. In fact, I think this has probably been the majority of microbial products that MPB has looked at and made pesticide determinations on. Perhaps say something like the following: "For the purposes of trying to clarify the decision-making process as to when a product is a pesticide, specifically a plant regulator, and when it is not, the decision tree has been created."

Similar thought processes/paths could be used in trying to determine whether other products (e.g., those potentially directly affecting a pest) are pesticides or not.” Agree that it could be confusing so agree with the highlighted text to replace the current.

I think that the highlighted text is more confusing and wordy. It seems I left out the work “address” in my original bullet, so it should read:

“Only applies to products that are plant regulators and does not address other pesticidal (i. e. pest control) modes of action”

For the 2nd bullet, I would focus more on emphasizing that the “labeling and other materials” need not just be associated with the product, but they need to somehow be connected with sale or distribution of the product. I had asked Russ to check with OGC on this, but he probably hasn’t had time to do so. Good point, let’s check with OGC but downstream should be included.

I will leave this one alone for now until we hear from OGC

The 3rd bullet might bring questions as to what is being considered for revision in Tables 3 and 4. I guess we could leave this in, but just be prepared to not give any definitive answers on what we’re changing since this is still a work in progress. Table 3 (Examples of Plant Regulator Claims) and Table 4 (List of Known Plant Regulator Substances) in the EPA draft currently are being revised in response to public comments agree - text from the bullet is highlighted. We should limit or remove.

I did not intend to specify any particular changes, but wanted to inform the audience that the Table was being revised.

For the 6th bullet, I would suggest providing a little more detail about what a vitamin-hormone product is according to the CFR definition, i.e., it needs to consist of certain substances (mixture of plant hormones, plant nutrients, plant inoculants, or soil amendments); it needs to be, in its undiluted

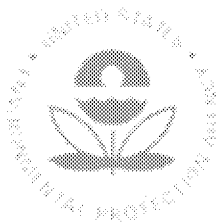
packaged form, classified as Toxicity Category III or IV; and it is not intended for use on food sites and is labeled accordingly. Alternatively, we could just make sure we capture the additional information underlined above in the verbal presentation. Either is fine with me –

I replaced the existing text with the text verbatim from the reg

Font types in this slide seem different and probably need to be adjusted to align with that used in the rest of the slide deck.

Please let me know if you have any questions about my comments.

Thanks,
Jeannine



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From: McNally, Robert <McNally.Robert@epa.gov>

Sent: Tuesday, February 25, 2020 7:03 PM

To: Kausch, Jeannine <Kausch.Jeannine@epa.gov>

Subject: Fwd: Slide Deck for AAPCO presentation on March 10 and Plant Regulator Decision Tree with Explanatory Notes
- Sorry for need for quick turnaround

How does this look to u?

Sent from my iPhone

Begin forwarded message:

From: "Jones, Russell" <Jones.Russell@epa.gov>
Date: February 25, 2020 at 2:23:14 PM EST
To: "McNally, Robert" <McNally.Robert@epa.gov>, "Kaczmarek, Chris" <Kaczmarek.Chris@epa.gov>, "Gsell, Alyssa" <Gsell.Alyssa@epa.gov>
Cc: "Overstreet, Anne" <overstreet.anne@epa.gov>, "Kausch, Jeannine" <Kausch.Jeannine@epa.gov>, "Borges, Shannon" <Borges.Shannon@epa.gov>
Subject: Slide Deck for AAPCO presentation on March 10 and Plant Regulator Decision Tree with Explanatory Notes - Sorry for need for quick turnaround

To All:

Attached is the slide deck for my presentation to AAPCO in Alexandria on March 10.
Also attached is a Plant Regulator Decision Tree (and Explanatory Notes) that was requested by Commenters to the draft PBS Guidance

The Decision Tree is part of the presentation, but can be edited. But I wanted to get this all out there now to all of the necessary reviewers.

Jeannine has already commented on the decision tree.

Rick will want OGC comment before he reviews it and sends it up the chain to the AA if that is needed.

Sorry for the short notice and need for a quick turnaround.

Russ J

Russell S. Jones, Ph.D., Senior Scientist
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Risk Assessment Branch
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